# LOCAL COURT RULES OF THE 29TH JUDICIAL CIRCUIT
(2019 rev. 3-14-19)

RULES OF PRACTICE OF THE 29TH JUDICIAL CIRCUIT OF MISSOURI

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ADMINISTRATION

1. DIVISIONS OF COURT

There shall be six divisions of court which shall be divided as hereinafter listed. Upon adoption of these rules, as amended, and pursuant to an order of the Presiding Judge under the authority of Section 487.010 RSMO., each division and the Family Court Commissioner are designated as part of the Family Court.

Division I
Circuit Court, Carthage
Circuit Court, Joplin
Family Court
Juvenile Court

Division II
Circuit Court, Carthage
Circuit Court, Joplin
Family Court
Juvenile Court

Division III
Circuit Court, Carthage
Circuit Court, Joplin
Probate Division
Family Court
Juvenile Court

Division IV
Circuit Court, Associate Division, Carthage
Small Claims Division, Carthage
Municipal Divisions for which a Municipal Judge is not provided
Family Court
Juvenile Court

Division V
Circuit Court, Associate Division, Joplin
Small Claims Division, Joplin
Family Court
Juvenile Court

Division VI
Circuit Court, Associate Division, Carthage and Joplin
Family Court
Juvenile Court

Family Court Commissioner
Family Court
Juvenile Court

Division VII

Municipal Divisions for which a Municipal Judge is provided

2. HOURS AND TERMS OF COURT

2.1 Hours of Court
All sessions of the Court shall begin at 9:00 a.m. unless otherwise scheduled.

2.2 Terms of Court
(No local rule)

2.3 Law Days
(No local rule)

2.4 Particular Matters on Particular Days
(No local rule)

3. PLEADINGS

3.1. Caption
*When the terms "Associate Circuit Judge" are used in these rules the terms refer to "Circuit Judge, Associate Division."
All Pleadings, Petitions, Answers, Motions, Decrees, Judgments, Complaints, Informations and Orders shall be headed as follows:
"In the Circuit Court of Jasper County, Missouri", followed by the Division number, if known.
If the pleading, etc. pertains to a Probate matter, the words "Division III (Probate)" shall be used.
If the pleading, etc. is one to be filed in Small Claims Division, then the words, "Division IV, Small Claims" or "Division V, Small Claims" shall be used.
If the pleading, etc. pertains to a matter of which a Municipal Judge has jurisdiction, the words, "Division VII, (Name of City)" shall be used.
If the pleading, etc. pertains to a matter which is filed in the Family Court and does not pertain to a juvenile matter, the caption should include the words "Family Court", followed by the Division number, if known. If the pleading, etc. pertains to a matter filed in the Juvenile section of the Family court, the words "Family Court (Juvenile)" should be used.
(Model Rule caption --- See Supreme Court Rule 55.02)

3.2 Style
All pleadings and other papers, except exhibits and wills, offered for filing, shall be typed, or printed, or legibly written in ink, on paper which is not larger than 8½ x 11 inches in size.

4. FILING OF CASES

4.1 Method of Filing
All documents and papers filed by attorneys in cases pending in Jasper County must be filed electronically. In addition, certain non-attorneys may be granted permission to file documents electronically. Those non-attorneys with permission to file electronically will be granted an Agency ID pursuant to Administrative Order, thereafter must file documents electronically. See court operating rule 27 and Supreme Court Rule 103.

4.2 Criminal Cases

Sealing of Search Warrant -- Upon application by the prosecuting attorney, the judge issuing a search warrant may order the warrant, any supporting documents, and the application itself to be filed under seal. The Jasper County Circuit Clerk shall maintain the warrant file under seal until further order of the court.

4.3 Civil Cases
All Circuit Court actions shall be filed with the Circuit Clerk of this County in Joplin or Carthage.

4.4 Family Court Cases
All Juvenile matters shall be filed with the Circuit Clerk in Joplin. In accordance with Section 487.010 RSMo., all domestic relations cases, including all actions contemplated by Section 487.080 (1), (2), (5), (7), (8), and (9), may be filed in either Carthage or Joplin. All actions contemplated by Section 487.080 (6) shall be filed in Joplin. All actions contemplated by Section 487.080 (3) and (4) shall be filed in Joplin.

4.5 Small Claims Cases
(See 4.3)

4.6 Municipal Cases
All Municipal matters shall be filed with the Municipal Clerk of the City or, in the event there is no Municipal Division in said City, the action shall be filed with the Circuit Clerk at Carthage.

5. FEES AND COSTS

5.1 Filing Fee and Cost Deposit
In all cases filed in this circuit there shall be deposited with the Circuit Clerk the filing fee required for the specific case type. The current filing fee amount, and acceptable manner of payment, may be obtained from the Jasper County Circuit Clerk or is available on the website http://jaspercounty.org/courts/courtfees.php See also Court Operating Rule 21.01

5.2 Costs
(No local rule)

5.3 Witness Fees
(No local rule)

5.4 Waiver of Fees
(No local rule)

5.5 Motion for Security
(No local rule)

6. ASSIGNMENT OF JUDGES, CASES, AND TRANSFER OF CASES
The assignment of all cases, civil, criminal, or juvenile, shall be made by the Presiding Judge pursuant to one or more administrative orders regarding assignment of cases and upon consideration by the Court en banc from time-to-time.

Pursuant to authority granted by Section 478.245, Section 478.530 RSMo. 1986, as amended 1988, and Section 487.080, cases are assigned among the several divisions, judges, and commissioner of this Court, subject to the authority of the Presiding Judge to make special assignment of any case.

Circuit Judges and Associate Circuit Judges may hear and determine all cases and matters within the jurisdiction of circuit courts, subject to these local rules and the provisions of Article V of the Constitution and laws in pursuance thereof.

6.1.1 Assignment of Family Court Cases After a Judgment Has Been Entered and a Subsequent Action Is Filed
(See 6)

6.1.2 Absence of Judge In the absence of any judge of this circuit, any other judge of this circuit, except the judges of Division VII, are assigned and may act in behalf of the absent judge upon any matter which is uncontested, may be heard ex parte, or requires an emergency order or judgment.

6.1.3 Absence of Presiding Judge
The Presiding Judge may by written order, designate another circuit judge to act in the absence of the Presiding Judge when that absence is for an extended period.

6.1.4 Place of Trial
Carthage or Joplin may be designated as the place of trial, irrespective of where the case was filed initially, at the discretion of the judge presiding over the case.

6.1.5 Certification to Circuit Division
(See 6)

6.1.6 Trial de Novo
(See 6)

6.1.7 Disqualification of Judge
In the event of a judge's recusal, or the grant of a timely filed Motion for Change of Judge, the Circuit Clerk shall randomly reassign the case pursuant to the then current administrative order regarding case assignment.
If all associate circuit judges are unable to act in a case originally filed and assigned to the Associate Circuit Division, the Circuit Clerk shall randomly reassign the case among the circuit judges without the necessity of further order of the Presiding Judge.
If all circuit judges are unable to act in a case originally filed and assigned to the Circuit Division, the Circuit Clerk shall randomly reassign the case among the associate circuit judges without the necessity of further order of the Presiding Judge. The reassignment may be pursuant to the then current administrative order regarding case assignment, or by special order of the Presiding Judge.
If all circuit judges and associate circuit judges are unable to act, the case will be referred to the Presiding Judge to request reassignment consistent with Supreme Court Rule 51.05 and § 478.225 R.S.Mo.

6.2 CASES ASSIGNED TO DIVISIONS

6.2.1 Cases Assigned to Division VI

(1) Upon the adoption of these rules and pursuant to an order of the Presiding Judge under authority of Section 487.010.4 RSMo. Division VI shall be the Administrative Judge of the Family Court;
(2) All Cases in which the Family Court Commissioner is disqualified.

6.2.2 Cases Assigned to the Family Court Commissioner
(1) Family Court cases in which Division VI has been disqualified.

6.2.3 Cases Assigned to Treatment Court Commissioner (Reserved)

6.2.4 Cases Assigned to Municipal Div VII
(1) Violations of Municipal Ordinances of municipalities for which a Municipal Judge is provided.

6.2.5 Jasper County Juvenile Office
The Court Administrator shall serve as the Appointing Authority for the Juvenile Department.

6.2.6 Effective Date of Rule
The effective date of these amended rules shall be March 14, 2019.

7. WITHDRAWALS OF PAPERS FROM CLERK'S OFFICE
The court clerks shall not permit the removal of court files except by the clerks, bailiffs, court reporters, secretaries to the judges, and judges. Files may be mailed to visiting judges by certified or other secured public or private carrier upon the request of a visiting judge if the request is timely received. A file may also be transported to a visiting judge by an available deputy sheriff. Otherwise, no files shall be removed, mailed, or transported from the office of the clerk where they are maintained.

7.1 When Allowed
(No local rule)

7.2 Duplicating Policy
(No local rule)

8. PUBLICATION OF DOCKETS

8.1 Trial Docket
(No local rule)

8.2 Dismissal Docket
(No local rule)

9. COURTROOMS

9.1 Assignment of Courtrooms
(No local rule)

9.2 Place of Hearing
(See 6.1.4)

9.3 Use of Counsel Table

While addressing the Court, counsel may sit at the counsel table or, optionally, stand at a respectful distance from the Court and witness. Counsel shall not approach the bench or a witness on the stand without permission of the Court.

9.4 Courtroom Decorum and Dress
To maintain the dignity, decorum and respect due the Court and jury, attorneys should insist their clients and witnesses dress properly for all court appearances. All attorneys and court officials shall dress in business attire while in court. Exceptions to this rule may be made by any Judge or Commissioner presiding over a matter as the weather, climate control, or a disability may require.

9.5 Who Is Permitted Within Bar
During the trial of any case, or the presentation of any matter to the court, other than attorneys, court personnel, litigants and witnesses called to the stand, no person, including members of litigants' families, bail bond agents, and surety recovery agents shall be permitted within the bar of the courtroom proper, unless requested by the Court. Persons within the bar shall not disturb the order of the court.

9.6 Use of Cameras and Photographic Equipment
The use of cameras and photographic equipment for broadcasting, televising, recording or taking photographs in the courtrooms and areas immediately adjacent thereto is forbidden. The possession of all such equipment on the second and third floors of the Joplin Courts Building and on the second and third floors of the Carthage Courthouse is prohibited while any division of Court is in session or in recess on that floor.
Exceptions may be made as provided by Administrative Rule 16.

9.7 USE OF ELECTRONIC DEVICES

9.7.1 Cell phones are permitted and may be used within the Jasper County Courthouse, Jasper County Courts Building, and the Jasper County Juvenile Justice Center. However, cell phone usage within any courtroom is prohibited, except upon permission granted by the division judge.

9.7.2 Violation of this provision may result in the cell phone being seized by the bailiff and returned at the discretion of the court. The Jasper County Sheriff is authorized to withhold the personal property of anyone violating this rule until further order of the Court.

9.7.3 The following are not subject to this rule; lawyers in good standing with the Missouri Bar, staff assisting lawyers, Probation and Parole staff, law enforcement officers, courthouse staff, Judges, Commissioners, persons reporting for jury service, and jurors.

9.7.4 A juror in deliberation is not allowed to have any such electronic device while in a state of deliberation. The Sheriff will safeguard a juror's device during deliberations.

9.7.5 Any exceptions to this rule may be made by any Judge or Commissioner presiding over a matter in which the use of the device is necessary.

10. COURT REPORTERS AND COMPENSATION FOR SAME

The Presiding Judge may employ certified Court Reporters on a contract basis for use in trials and hearings to be paid for from Jasper County funds.

11. RECORDING OF JUDICIAL PROCEEDINGS

11.1 In any case assigned to Division IV, Division V, Division VI, or the Family Court Commissioner to be heard upon the record as authorized by law, and in any Probate Division case, the Judge may utilize electronic, magnetic or mechanical sound, or video recording devices, or a court reporter, or a stenographer for the purpose of preserving the record.

11.2 Electronic, magnetic or mechanical sound, or video recording devices may be used in lieu of a certified court reporter in any division at the discretion of the judge presiding.

11.3 All persons except those authorized by the court to preserve the record shall refrain from broadcasting, televising, recording, or taking photographs in the courtrooms and in the corridors and stairways adjacent thereto while court is in session and during recess.

12. MONIES PAID INTO COURT

All clerks of this Court shall comply with Section 483.310, RSMo. 1978 concerning monies paid into Court. No interest earned on any such monies from the office of the Circuit Clerk shall be expended except with the written approval of the Presiding Judge.

12.1 Bond in Civil Cases

(No local rule)

13. COMMUNICATIONS WITH COURT

13.1 Oral Communications with the Court

Oral communications with the Court concerning matters in a pending case are permitted only as consistent with the rules on ethics and rules prohibiting ex parte communications.

13.2 Written Communications with the Court

All motions, briefs, letters, or communications by any party relating to a matter pending in the court must be addressed to the clerk, with copies to all other parties, who will lay them before the Court in due course. Requests for trial or motion settings shall be made in accordance with Rule 36.1. Any other letter or communication relating directly or indirectly to any pending matter, addressed to any judge of the Court will not be considered by the Court. The Clerk may return any such letter or communication to the sender or may refer such letter or communication to the appropriate entity or person. Any letter or communication relating directly or indirectly to any pending matter, addressed personally or unofficially to any Judge or Commissioner of the court, will be filed with that case, and may be open to the inspection of the public and adverse parties.

14. TIME STANDARDS

This Circuit shall comply with the case processing time standards set forth in Administrative Rule No. 17 approved and adopted by the Supreme Court of Missouri, En Banc, on the 24th day of November, 1992 to become effective on the 1st day of July, 1993, as amended by order of the Supreme Court of Missouri dated July 26, 1996 to become effective January 1, 1997. The following policies, procedures and rules shall be and are adopted to implement Administrative Rule No. 17, to

provide litigants, witnesses, victims and other citizens with a dispute resolution system that is reasonably predictable as to when cases will be disposed:

A. CIRCUIT CIVIL
(No local Rule)

B. DOMESTIC RELATIONS

1. The date of commencement and conclusion of the case will be as defined by Administrative Rule No. 17.

2. Except for pendente lite motions for child support, spousal support, custody and/or visitation, unless there is a request for oral argument filed with any pretrial motion, or objections to discovery and same is ordered by the Court in accordance with Local Court Rule 33.1, motions and objections to discovery shall be ruled upon the written motion, supporting suggestions, and opposing suggestions.

3. If 120 days have elapsed since the filing of the petition and the case has not
been concluded, the case may be scheduled on a dismissal docket and the parties shall appear to conclude the matter or prove up extraordinary circumstances which require additional time.

C. ASSOCIATE CIVIL

1. The date of commencement and conclusion of the case will be as defined by Administrative Rule No. 17.

2. If 120 days have elapsed since the filing of the petition and the case has not been concluded, the case may be scheduled on a dismissal docket and the parties shall appear to conclude the matter or prove up extraordinary circumstances which require additional time.

D. ASSOCIATE CRIMINAL

1. The date of commencement and conclusion of the case will be as defined by Administrative Rule No. 17.

2. At time of arraignment the Court shall set a date certain for preliminary hearing or trial. Continuances will be granted only on a showing of good cause presented to the Court.

3. If 45 days have elapsed since the arraignment, the preliminary examination or trial shall be conducted within 15 days or the parties shall prove up extraordinary circumstances which require additional time.

E. CIRCUIT FELONY
(No local rule)

GENERAL RULES

21. ATTORNEYS

21.1 Resolution of Conflicting Trial Settings
(No local rule)

21.2 Entries of Appearance
(No local rule)

21.3 Conduct of Attorneys
(No Local Rule)

21.4 Withdrawal of Attorneys
(No local rule)

21.5 Failure of Attorney to Answer Docket Call
(No local rule)

21.6 Appointment of Attorneys
From and after the date of this rule, the Court will select Guardian Ad Litem, for service in Family Court cases, pursuant to the following process:

(a) Family Court Cases: Cases brought pursuant to Sections 210, 452, and 454, except those proceedings concerning adoption, shall be assigned a Guardian Ad Litem upon findings that a Guardian Ad Litem is necessary or required to be appointed. A Guardian Ad Litem will not be automatically appointed. A formal motion for request to appoint a Guardian Ad Litem must be filed with the Court and provided to all parties of record. The party making request for Guardian Ad Litem will be required to file a notice of hearing to address the motion for appointment. If no formal objection to appointment is made within 20 days of the filing of the request, then the Court will consider such appointment without hearing.
Should the Court find that it is necessary to appoint a Guardian Ad Litem, then such appointment shall be made using Form 21.6A (attached as Appendix A to these rules). Costs of Guardian Ad Litem in these matters shall be paid by the parties as may be assessed against the parties from time-to-time.

(b) Fees: A Guardian Ad Litem who is paid by the parties shall be paid a fee upon an hourly fee as determined by the Court as reasonable fee for the services of the Guardian Ad Litem.

(c) Guardian Ad Litems in appointments in Family Court shall be appointed by the Judge at his/her discretion, from the list of qualified and approved attorneys.

(d) Qualifications to serve as Guardian Ad Litem: All persons appointed to serve as Guardian Ad Litem shall be an attorney in good standing with the State of Missouri. They shall have completed the required training as provided for in the Guardian Ad Litem Standards as made part of the Supreme Court Rules.

The presiding judge shall be responsible to maintain a list of all currently qualified attorneys. Any attorney wishing to serve as a Guardian Ad Litem shall provide the necessary proof of training yearly with the secretary of the presiding judge. Such proof of training shall be provided no later than July 31 of each year. The Presiding Judge shall make at a minimum, yearly review of the list, to insure that all those appearing on the list have provided the necessary documentation to qualify to serve as Guardian Ad Litem.

21.7 Agreement of Attorneys
(No local rule)

21.8 Advice to Clients and Witnesses of Courtroom Procedures
(No local rule)

22. APPOINTMENT OF GUARDIAN AD LITEM
Effective January 1, 2011, all Guardians Ad Litem applying in Juvenile and Family Court matters shall comply with the Standards for Guardians Ad Litem as approved by the Missouri Supreme Court. (See Local Rule 21.6 above.)

23. TRANSCRIPTS
(No local rule)

24. EXHIBITS
Parties attorneys are ordered to withdraw all trial exhibits within ten (10) days of entry of Court's Judgment and to maintain exhibits pending appeal. The Circuit Clerk may dispose of any unclaimed trial exhibits upon thirty (30) days written notice to the attorney of record.

PRETRIAL MATTERS

32. DISCOVERY

32.1 Use of Discovery and Certification to Circuit Division
(No local rule)

32.2 Interrogatories

32.2.1 Form of Objections
See Rule 32.8.

32.2.2 Use as Evidence
When a party intends to use interrogatory answers as evidence, he shall provide all adverse parties and the Court with written copies of the specific interrogatories and answers, numbered and dated as originally filed.

32.2.3 Motor Vehicle Accident Cases
(No local rule)

32.2.4 Form of Interrogatories: Form and Procedure In Civil and Domestic Actions
(No local rule)

32.3 Depositions
(No local rule)

32.4 Motions for Sanctions
See Rule 32.8.

32.5 Criminal Discovery
When either the State or the defendant is making response to discovery said response shall be made directly to the party requesting discovery. A copy shall not be filed in the Court file. When the response is made a certificate shall be prepared by the party making the response

(1) describing and itemizing what is being produced,
(2) describing all items requested but not produced,
(3) reason(s) any item(s) was not produced (i.e. not in the party's custody or legal objection)
(4) The date furnished, and
(5) Signature of counsel.

32.6 Discovery in Domestic Relations Cases
DR Form 1 entitled "Summary of Marital and Non-Marital Property and Liabilities", a copy of which is attached as Appendix B to these Rules, is approved for use in actions for Dissolution of Marriage or Legal Separation.
Except where there is a signed separation agreement DR Form 1 (Summary of Marital and Non-Marital Property and Liabilities) shall be filed in the Court file before the trial of the case regardless of whether the case is contested or uncontested.
No other discovery shall be filed in the Court file unless ordered by the Court. However, when counsel is responding to discovery requests, excluding DR Form 1, counsel shall respond directly to the requesting party and shall file a certificate in the Court file with a description of the items furnished, the date furnished, and signature of counsel.

32.7 Request for Production of Documents in Civil Cases
When a party makes a response to a request for production of documents, a copy of said documents shall not be filed in the Court file unless so ordered by the Court. When a party is making a response to the request for production of documents, the party shall respond directly to the party making the request and file with the Clerk of the Court a certificate with a description of the items furnished, the date furnished, and signature of counsel.

32.8 Form of Objections to Interrogatories, Request for Documents And Things, Requests for Admissions and of Genuineness of Documents, and Requests For Physical and Mental Examinations; Request for Oral Argument
GOLDEN RULE re DISCOVERY DISPUTES -- Notice of hearing on a discovery dispute shall not be given unless a good faith attempt at an informal resolution of the dispute has been attempted. Any motion to compel discovery must contain the movant's affirmative statement that this good faith attempt has been made.

33. PRETRIAL MOTIONS

33.1 Hearing Dates
(No local rule)

33.2 Briefs in Support of Motions, When Required
(No local rule)

33.3 Oral Arguments – When Desired and How Requested
(No local rule)

33.4 Motions in Limine

(No local rule)

34. CONTINUANCES

34.1 Civil Cases
(No local rule)

34.2 Criminal Cases
(No local rule)

35. PRETRIAL CONFERENCES
(No local rule)

36. SETTING CASES FOR TRIAL

36.1 Request for Trial
(No local rule)

36.2 Date of Calendar Call
(No local rule)

36.3 Preparation of Calendar
(No local rule)

36.4 Calendar Call
(No local rule)

36.5 Removal and Inactive Calendar
(No local rule)

36.6 Revision of and Removal from Prepared Calendar
(No local rule)

36.7 Special Assignments
(No local rule)

37. DISMISSALS

37.1 Dismissal Docket
The Judges of the Circuit may annually, at such time as may be designated by the Court, review their respective files, both at Carthage and at Joplin, and in any pending action wherein it shall appear upon said review that there has been no docket entry for a period of one year immediately prior to the date of such review, the Clerk shall forthwith, in writing, notify counsel for all parties that said action is set for a day certain for dismissal for failure to prosecute. Said written notice shall be mailed by said Clerk to all counsel of record not less than ten (10) days prior to the date of said setting. Except for good cause shown, on the date designated in said notice, such action shall be dismissed for failure to prosecute at the cost of the plaintiff or plaintiffs.

37.2 Reinstatement of Cause

(No local rule)

SETTLEMENT AND DEFAULT
41. SETTLEMENT

41.1 Notice of Settlement
When a case is set for trial and is thereafter settled, counsel shall immediately notify the Court so that time can be allotted to another case.

42. DEFAULT
When any case or matter is called for hearing and either or both parties fail to appear, the same may be dismissed for want of prosecution without prejudice or judgment entered, or other appropriate order made in the discretion of the Judge.

TRIALS

51. COURT-TRIED CASES
(No local rule)

51.1 Default and Uncontested Matters
(No local rule)

51.2 Contested Matters
(No local rule)

51.3 Preparation of Findings of Fact and Conclusions of Law
(No local rule)

52. SELECTION OF JURY
(No local rule)

52.1 Jury Questionnaires
(No local rule)

53. JURY TRIALS
(No local rule)

53.1 Instructions
In all civil trials, all instructions that any party can reasonably anticipate giving on any issue on which they bear the burden of proof, shall be furnished to the trial judge with a copy to all counsel at least 14 days in advance of trial. All converse instructions shall be furnished to the Court and counsel at least 7 days in advance of trial. This rule requires the Plaintiff to submit a full packet of completely packaged instructions 14 days in advance of trial.

53.2 Closing Arguments
(No local rule)

53.3 Juror Note-Taking
(No local rule)

54. JUDGMENT ENTRY

54.1 Contested Cases
When so directed by the Court, counsel shall prepare an appropriate judgment and shall furnish the same to the Court for approval when the matter is heard.

54.2 Default or Uncontested Cases
(See 54.1)

61. ADOPTION
(No local rule)

61.1 Filing Requirements
(No local rule)

61.2 Home Study
(No local rule)

62. DRIVERS' CASES
(No local rule)

62.1 Applications for Hardship Driving Privileges
(No local rule)

62.2 Petitions for Review
(No local rule)

62.3 Breathalyzer Test
(No local rule)

63. ASSOCIATE DIVISION CASES
(No local rule)

64. CASES ARISING UNDER CHAPTERS 207 AND 208, RSMO 1978 (COMMONLY KNOWN AS TITLE IV-D AND H.B. 601 ACTIONS)
(No local rule)

65. CIVIL COMMITMENT
(No local rule)

66. CONDEMNATION
(No local rule)

67. CRIMINAL CASES

67.1 Pretrial Release

67.1.1 Motions to Set Bond and for Bond Reduction

Motions to set bond, Motions for bond reduction, Motions for modifications of conditions of release, and Motions to withdraw a bond shall in every case be made in writing and filed with the Circuit Clerk. The motion should contain, at a minimum, the following information:

1.Crime(s) with which the Defendant is charged, including crimes in other divisions and jurisdictions.

2.The current amount of the bond(s) for each charge.

3.The date the warrant was served (if applicable),

4.Defendant's employment (if applicable),

5.Defendant's address where they intend to live while the case is pending and
    a. if applicable, how long they have lived at that address, and
    b. who else lives at that address (including ages and relation to any children); and

6.Specifics of any treatment program in which Defendant will participate if the motion is granted. Paperwork verifying bed dates or pre-approval are strongly encouraged and should be attached as an exhibit.

7. Defendant's willingness and ability to pay for a form of electronic monitoring.

8. (Optional) If known, the Prosecuting attorney's office's position on bond reduction, modification, or withdrawal of warrant.

In cases where victim notification is required, the prosecutor shall advise the Court of the status of that notification at the beginning of any hearing on bond motions.

67.1.2 Deposit of Operator's License
(No local rule)

67.1.3 Qualifications of Bondsmen
Sureties may file their qualifications with the Presiding Judge who will inform the other judges of the persons who have qualified pursuant to law.
Approval of sureties and bail bonds is discretionary with the judge presiding in each division.
On or before June 1st of each year the judge presiding in each division shall inform the Prosecuting Attorney and the Sheriff of Jasper County, Missouri, the names of sureties approved in the judge's division. Said list shall be updated by each judge as may be required.

67.1.4 Release of Information to Bondsmen in a Closed File
After any file has been closed, a person posting bond or other form of surety may be advised of the status of the claim or charge for which the bond or surety was filed.

67.2 Preliminary Hearing
(No local rule)

67.3 Grand Jury

Grand Juries shall be summoned, qualified and impaneled on the call of a majority of the Court En Banc. The Presiding Judge shall charge and supervise the grand jury with the advice and consent of a majority of the Court En Banc.

67.4 Attorneys
(No local rule)

67.5 Arraignments
(No local rule)

67.5.1 In General
(No local rule)

67.5.2 Dates
(No local rule)

67.6 Discovery
(No local rule)

67.7 Motions
(No local rule)

67.8 Plea Bargaining
(No local rule)

67.9 Guilty Plea
(No local rule)

67.9.1 Where Entered
(No local rule)

67.9.2 Petition to Enter a Plea of Guilty
(No local rule)

67.10 Calendar
(No local rule)

67.11 Probation and Parole
(No local rule)

68. DISSOLUTION OF MARRIAGE

68.1 Filing Requirements
In all cases for dissolution, separate maintenance or annulment of marriage, counsel shall file with the petition the Vital Statistic Certificate required by law. Forms may be obtained from the Clerk of the court.

68.2 Separation Agreement
(No local rule)

68.3 Child Support
Civil Procedure Form No. 14, as provided for by Rule 88 of the Supreme Court of Missouri shall be filed with the Clerk of the Court before trial or hearing by each party in all domestic relations cases where child support is to be determined.

68.4 Forms of Decree
(No local rule)

68.5 Filing of Financial Statements
(No local rule)

68.6 Modification of Decree
(No local rule)

68.7 Payment of Child Support and Maintenance
All payments of child support and maintenance being paid through the court shall be paid directly to the Family Support Payment Center, P.O. Box 109002, Jefferson City, Missouri, 65110-9002.

68.8 Parent Education Program
As required by Section 452.600 RSMo., effective August 28, 1998, in a petition for dissolution of marriage, motion to modify same or any post judgment proceeding involving custody or support, where there is at least one unemancipated child named in the action, all parties to the action shall attend Focus on Kids, a court approved educational session to educate parents as to the possible detrimental effects of divorce on children and how to avoid these negative effects.
All parties shall attend said program within sixty (60) days after service of process or of receipt of the petition or motion if service is waived. Proof of attendance shall be filed in the Court file. Certification of attendance shall be made to the Court or Division Clerk before any case is set on the docket for final disposition. If parties fail to attend the session as required by this rule and Missouri law, they risk their action being dismissed or responsive pleadings stricken. The Court may also impose any other sanction appropriate under Missouri law.
This rule may be waived by the Court upon application of a party showing good cause. In accordance with Section 452.605 RSMo., "good cause" includes, but is not limited to, situations where the parties have stipulated to the custody and visitation of the child or children in issue.

68.9 Family Access Fee
(No local rule)

68.10 Temporary Custody and Visitation
(No local rule)

68.11 Entry of Judgment Upon Affidavit-Requirements
(1) Final Orders Entered-When. Final orders in a proceeding for dissolution of marriage or legal separation, motions to modify, actions for declaration of paternity, actions for change of name or such other uncontested matters as authorized by order of the Court, may be entered upon the affidavit of either or both parties when:
(a) The Respondent in an action for dissolution of marriage, legal separation, declaration of paternity or change of name has been served in a manner provided by the Missouri Rules of Civil Procedure and is in default; and in all actions for change of name where there is no named Respondent; or

(b) There are no minor children of the parties and the wife is not pregnant, or the parties have entered into a written agreement determining custody and child support; and
(c) The adverse party has been served in a manner provided by the Missouri Rules of Civil Procedure or has formally filed a verified entry of appearance or responsive pleadings; and
(d) There is no genuine issue as to any material fact; and
(e) There is no marital property to be divided or the parties have entered into a written agreement for the division of their marital property.
(2) Affidavit-Filing. If one party desires to submit the matter for entry of final orders upon an affidavit, the submitting party shall file an affidavit setting forth sworn testimony showing the court's jurisdiction and factual averments sufficient to support the relief requested in the proceeding together with a copy of the proposed decree or order, a copy of any written agreement proposed for adoption by the court, a completed Form 14, and any other supporting evidence. The filing of such affidavit shall not be deemed to shorten any statutory waiting period required for entry of a decree of dissolution or decree of legal separation.
(3) Hearing Required-When. The court shall not be bound to enter a decree or order upon the affidavit of either or both parties, but the court may, upon its own motion, require that a formal hearing be held to determine any or all issues presented by the pleadings.

68.12 Mediation of Child Custody and Visitation – Mediation Defined
Mediation under this local rule is the process by which a neutral mediator, selected by the parties or appointed by the court, assists the parties in reaching a mutually acceptable agreement as to issues of child custody and visitation. The role of the mediator is to assist the parties in identifying the issues, reducing misunderstandings, clarifying priorities, exploring areas of compromise, and finding points of agreement. An agreement reached by the parties is to be based on the decisions of the parties and not the decisions of the mediator. The agreement reached can resolve all or only some of the disputed issues.

68.13 Mediation – When Ordered – Appointment of Mediator
(1) In every case filed after January 1, 2005, involving contested issues of custody and/or visitation, the parties shall participate in a minimum of two hours of mediation pursuant to Missouri Supreme Court Rule 88.02 through 88.08 and this local rule unless waived by the court or hereinafter set forth. In all family-law related cases referred to mediation by the terms of this rule, the parties are encouraged to mediate any or all other issues including, but not limited to, child support, property division and maintenance. Any mediation beyond the initial two hours shall proceed by mutual agreement of the parties and the mediator.
(2) If mediation is appropriate under this rule, then the parties shall do the following within sixty days of filing of the petition: select a mutually agreeable mediator, schedule the initial mediation session and notify the court of the proposed date and the name of the mediator. Mediation shall be completed within thirty days of notification of the court.
(3) If the parties cannot agree upon a mediator within the sixty day period they shall notify the court in writing and the court shall appoint a mediator from the court approved list.
(4) Some cases may be inappropriate for mediation, which may include those with a history of domestic violence. If the case is deemed inappropriate for mediation due to domestic violence or for any other reason determined by the mediator, the mediator shall notify the court in writing.
(5)The mediator shall inform the court of his/her acceptance of appointment in writing. Within ten days of completion of mediation the mediator shall file with the court a notice indicating the compliance with the minimum two hours of mediation pursuant to this rule, notice of the completion of the case as to whether or not the issues were settled, and any memo of understanding of the parties.

68.14 Mediation – Qualification of the Mediator
Any person wanting to be appointed as a mediator shall be qualified under the provision of Supreme Court Rule 88.05 and shall submit proof of said qualifications to the office of the Circuit Clerk. Disqualifications of a mediator shall be ordered upon the filing of a written application within ten days of appointment. Each party is entitled to one disqualification. The Circuit Clerk shall maintain a list of qualified mediators including their name, phone number, address, and what they will charge for the initial two hour session.

68.15 Duties of the Mediator
(1) The mediator in writing shall:
(a) Inform the parties of the costs of mediation;
(b) Advise the parties that the mediator does not represent either or both of the parties;
(c) Define and describe the process of mediation to the parties;
(d) Disclose the nature and extent of any relationships with the parties and any personal, financial, or other interest that could result in a bias or conflict of interest;
(e) Advise each of the parties to obtain independent legal advice;
(f) Disclose to the parties' attorneys any factual documentation revealed during the mediation if at the end of the mediation process the disclosure is agreed to by the parties;
(g) Ensure that the parties consider fully the best interests of the children and that the parties understand the consequences of any decision they reach concerning the children.
(2) The mediator may meet with the children of any party and with the consent of the parties, may meet with other persons.
(3) The mediator shall make a written memorandum of any understanding reached by the parties. A copy of the memorandum shall be provided to the parties and their attorneys, if any, at the time of filing notice of compliance. The mediator shall advise each party in writing to obtain legal assistance in drafting any agreement or for reviewing any agreement drafted by the other party.

68.16 Termination of Mediation
(1) At any time after two hours of mediation either party may terminate mediation.
(2) The mediator shall terminate mediation whenever the mediator believes:
(a) The continuation of the process would harm or prejudice one or more of the parties or the children; or
(b) That the ability or willingness of any party to participate meaningfully in mediation is so lacking that a reasonable agreement is unlikely.
(3) The mediator shall report the termination of mediation to the court. The mediator shall not report the reason for the termination unless the mediator believes the court should appoint a different mediator in the case.

68.17 Confidentiality
(1) Mediation proceedings shall be regarded as settlement proceedings. With the exception of information released pursuant to 88.06(a)(6), any communications relating to the subject matter of such disputes during the mediation by any participant, mediator, or any other person at the mediation shall be a confidential communication.
(2) No person who serves as a mediator, nor any agent or employee of that person shall be subpoenaed or otherwise compelled to disclose any matter disclosed in the process of setting up or conducting mediation.

68.18 Setting of Domestic Cases For Trial

No case shall be set for trial without the parties furnishing to the court proof that the rules dealing with mediation have been followed.

68.19 Payment For Mediation
Each party shall pay to the mediator one half of the fee prior to the start of mediation. Any party may ask the court to order reimbursement of the mediation fee from the other party at the final hearing of the case. No amendment in pleadings is required to make this request.

69. MUNICIPAL DIVISION

If municipal ordinance violation cases are heard by Division IV in facilities provided by a municipality, the fine and costs shall be collected and disbursed by the Municipal Clerk. If the municipality has no City Clerk, the fine and costs shall be collected and disbursed in accordance with Section 479.260.

70. PARTITION
(No local rule)

71. ADMINISTRATIVE REVIEWS
(No local rule)

72. PROBATE
(No local rule)

73. SMALL CLAIMS
(No local rule)

74. TRUST ESTATES
(No local rule)

74.1 Inventory
(No local rule)

74.2 Reports
(No local rule)

74.3 Record
(No local rule)

74.4 Audit
(No local rule)

POSTTRIAL
81. EXECUTION
Executions shall issue only upon request of the party entitled thereto or counsel representing said party. Forms therefor shall be furnished by the Clerk.

82. GARNISHMENT
(No local rule)

83. JUDICIAL SALES
(No local rule)

INTERNAL ORGANIZATION

100.

100.1 PRESIDING JUDGE

100.1.1 Election
A meeting of the Judges of Divisions I, II, III, IV, V, and VI of this Circuit shall be held during the month of November in each even numbered year for the purpose of electing a Presiding Judge. Such meeting shall be called by written notice signed by the Presiding Judge or by any two judges of the circuit. The Presiding Judge shall be elected by a majority vote of all the Judges of Divisions I, II, III, IV, V, and VI of this Circuit by secret ballot taken at such meeting. The Presiding Judge shall take office at midnight on December 31st next following his election and shall serve for a term of two years.

100.1.2 Duties of Presiding Judge
The Presiding Judge shall have those powers set forth in Section 478.240 RSMo. subject to the limitations set forth in said section. The Presiding Judge shall call such meetings as the business of the Court may require. A record of the meetings may be preserved if requested by any judge. Any Judge of Divisions I, II, III, IV, V, or VI may request the calling of a meeting. All orders issued by the Presiding Judge shall be in writing and filed in the Office of the Circuit Clerk, unless otherwise directed by the judges.

100.1.3 Dispute Resolution – Procedure
(No local rule)

100.1.4 PRESIDING JUVENILE COURT JUDGE
The Juvenile Division is part of the Family Court and shall be presided over by a Circuit Judge, Associate Circuit Judge, or Family Court Commissioner pursuant to the then current administrative order regarding judicial case assignments.

100.2 COURT ADMINISTRATOR
The Court Administrator shall be appointed by the Presiding Judge with the advice and majority vote of the Court en Banc. The Court Administrator can be removed with cause and only by a majority vote of the Court en Banc.

The Court Administrator is an executive position and shall be the appointing authority for all court personnel except deputy circuit clerks and court reporters. The Court Administrator shall have sole responsibility for managing grants, procuring contracts, entering into agreements with contract providers, independent contractors, and personnel, and making decisions to terminate contracts, and employees.

Disciplinary proceedings involving personnel of the Circuit Clerk's office who are governed by the Circuit Court Personnel System as set out in Court Operating Rule (COR) 7.B.01 shall be processed

by the Court Administrator on behalf of the Presiding Judge in accordance with the provisions of COR 7.B.11.4(c) and COR 7.B.13.5(a-c).

However, any appeal filed by an employee under the appointing authority of the Court Administrator must be filed directly with the Presiding Judge.

If a resolution cannot be reached in either of such cases, the matter shall be brought before the Court en Banc to serve as the dismissal review committee or grievance review committee to hear the matter as set out in the aforementioned rules.

Any disciplinary proceedings involving personnel under the appointing authority of the Court Administrator who are not governed by the Circuit Court Personnel System as set out in Court Operating Rule (COR) 7.B.01 shall be processed by the Court Administrator in accordance with the rules governing the employment of such personnel. .

100.3 Local Court Rules

100.3.1 Formulation
(No local rule)

100.3.2 Publication
(No local rule)

100.4 Library Fund
(See 6.1)

100.5 Storage of Records
(No local rule)

100.5.1 Reproduction, Preservation, Archival Storage and Disposal of Original Circuit Court Files (and Their Contents)
(No local rule)

100.5.2 Reproduction and Preservation of Court Records Other Than Files (and Their Contents)
(No local rule)

100.5.3 Responsibility for Indexing and Preserving Court Reporter Notes
(No local rule)

100.5.4 Identification of Reporter's Notes
(No local rule)

100.5.5 Index
(No local rule)

100.5.6 Storage of Notes
(No local rule)

100.5.7 Notes of Substitute Reporters
(No local rule)

100.5.8 Storage of Notes upon Retirement, Termination or Death of Court Reporter
(No local rule)

100.5.9 Boxing and Storing of Old Notes
(No local rule)

100.5.10 Responsibility for Furnishing Materials and Space For Storage of Court Reporter Notes
(No local rule)

100.5.11 Procedure for Examination of Criminal Records
(No local rule)

100.5.12 Procedure for Expunging and Closing Criminal Records
(No local rule)

100.6 Clerk's Duties
(No local rule)

100.6.1 Monies Paid Into Court
The Clerk of this Court shall comply with Section 484.310 RSMo. 1978 concerning monies paid into Court. No interest earned on any such monies shall be expended by the Circuit Clerk except with the approval of the Presiding Judge.

100.6.2 Clerk Appointed Trustee
Upon notification from the Missouri Department of Social Services of a client's assignment of support rights to the Division of Family Services pursuant to 454.415 RSMo. 1986, notification from the Missouri Division of Social Services that a client has requested collection service from the Division of Social Services pursuant to 454.430 RSMo. 1986 of the filing of an Administrative Order by the Missouri Division of Social Services pursuant to 454.495 RSMo. 1986, the Circuit Clerk is appointed trustee for all support payments due, including arrearages accrued until further order of this court.

100.6.3 Clerk Appointed Process Server
Pursuant to Section 506.140 RSMo. 1986, as amended, the Circuit Clerk may appoint a special process server for an individual case in which a special process server is requested by a party. The order appointing the individual shall designate the special process server by name and address and said order shall designate the process being served. The appointment shall be for the service of the designated process only.

100.7 Selection of Venirepersons
Venirepersons shall be summoned on or before the first Tuesday of January, March, May, July, September and November of each year or as soon thereafter as possible. The Venirepersons drawn shall be available for jury trials, either criminal or civil, during the sixty (60) day period for which they are called, in either Joplin or Carthage.

103.01 Electronic Filing
Rule 103 and Court Operating rule 27 govern all maters subject to electronic filing.

103.02 Registration
Registration for electronic filing shall be made as required by Court Operating Rule 27.

103.03 Files of the Court
(a) When a court accepts an electronic document for filing, the electronic document is the official court record.
(b) If a court digitizes, records, scans, or otherwise reproduces a document that is filed in paper into an electronic record, document, or image, the electronic record, document, or image is the official court record. The court may then destroy the paper document unless that document is required to be preserved by law or court order.

103.04 Format of Electronically Filed Documents
(a) An electronic document shall be filed in the PDF format as defined in Court Operating Rule 27 and shall be formatted in accordance with the applicable rule governing formatting of paper documents, including page and word limits. Color coding of electronic documents is not required.
(b) Electronic documents that are part of the official court record shall be self-contained and shall not contain hyperlinks.
(c) For the convenience of the court, in addition to any electronic document filed as the official court record, a party or amicus curiae may submit to the court a copy of an electronic document on a read-only disc (CD-R or DVD-R). A copy of any such disc also shall be provided to all other counsel and all self-represented parties.
The electronic document shall be submitted in text searchable PDF that must be identical in content and format as the electronic document filed as the official court record, except that the document may also include hyperlinks to the complete text of any authorities cited therein and to any document or other material contained in the record on appeal. In order for the hyperlinks to function properly, the record (or the cited portions of the record) and authorities must be included on the same disc as the electronic document. An adhesive label shall be affixed to each disc legibly identifying: (1) The caption of the case; (2) The party filing the disc; (3) The disc number (e.g., “Disc 1 of 2”).
The filing party shall certify that the disc has been scanned for viruses and that it is virus-free.
(d) An electronic document requiring a signature shall be signed by an original signature, stamped signature or an electronic graphic representation of a signature, or in the following manner: /s/ John or Jane Person.

103.05 Electronic Filing with the Court
(a) Any filing shall be made with the clerk of the court through the electronic filing system. Attachments, including exhibits that are part of any filing shall be filed electronically at the same time.
(b) An attachment or exhibit that exceeds the technical standards for the electronic filing system or is unable to be electronically filed must be filed with the court on approved media as defined in Court Operating Rule 27. When an attachment or exhibit is filed on approved media, a notice of exhibit attachment shall be filed through the electronic filing system.

103.06 Electronic Filing Deadlines
(a) **Electronic filing is permitted at all times when the electronic filing system is available.** If the electronic filing system is unavailable at the time the user attempts to file a document, the registered user shall make reasonable efforts to file the document as soon as the unavailability ends.

(b) If a registered user believes the unavailability of the electronic filing system prevented a timely filing to the party's prejudice, **the registered user may submit a motion to the court within ten days of the user's first unsuccessful attempt to file the document.** The motion shall state the date and time of the first unsuccessful attempt to file the document electronically and why the delay was prejudicial.
(c) If the court determines that the unavailability of the electronic filing system prevented the court from receiving the filing, **the court shall deem the documents filed on the day that the user initially attempted to file the document.**
(d) The filing deadline for any document filed electronically is **11:59:59 p.m. central time.**
(e) A document **is submitted for filing when the electronic filing system receives the document and sends a confirmation receipt to the filer.** The electronic filing system will issue a confirmation receipt that includes the date and time.
(f) If the clerk accepts a document for filing, the date and time of filing entered in the case management system shall be the date and time the electronic filing system received the document. The electronic filing system will affix the date and time of filing on the document.

103.07 Verified Documents and Affidavits
A document required by law to be verified, to be signed under penalty of perjury, or to be signed by a notary public may be filed as an electronic document if the affiant, declarant, or notary public has signed a paper document. Until the entire case is finally disposed, the registered user shall be the custodian of the paper document.

103.08 Service
Service shall be made to registered users through the electronic filing system and to all others as provided in Rule 43.01(c). Service by the electronic filing system is complete upon transmission except that, for the purposes of calculating the time for filing a response, a transmission made on a Saturday, Sunday, or legal holiday, or after 5:00 p.m., shall be considered complete on the next day that is not a Saturday, Sunday or legal holiday.

103.09 Notice of Entry of Orders and Judgments
Any notice to the parties required by Rule 74.03 shall be made to the registered users through the electronic filing system and to all others as provided in Rule 43.01.

103.10 Issuance of Summons
If the electronic filing system is used to file a document that must be served with a summons, the clerk shall transmit the summons electronically to the registered user.